

ESTTA Tracking number: **ESTTA617949**

Filing date: **07/28/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92059552
Party	Plaintiff SmartFocus UK Ltd.
Correspondence Address	DAVID M KELLY KELLY IP LLP 1330 CONNECTICUT AVENUE NW, SUITE 300 WASHINGTON, DC 20036 UNITED STATES david.kelly@kelly-ip.com, docketing@kelly-ip.com, larry.white@kelly-ip.com
Submission	Other Motions/Papers
Filer's Name	Linda K. McLeod
Filer's e-mail	linda.mcleod@kelly-ip.com, docketing@kelly-ip.com, larry.white@kelly-ip.com
Signature	/Linda K. McLeod/
Date	07/28/2014
Attachments	Revised Notice of Undeliverable Complaint (339451xD1162) (4).pdf(12406 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SMARTFOCUS UK LTD.,  Petitioner  v.  AFFINITAS CORPORATION,  Respondent.	Cancellation No.: 92059552  Mark: SMARTFOCUS Reg. No. 2089097 Issued: August 19, 1997
--	---

**NOTICE OF UNDELIVERABLE COMPLAINT**

SmartFocus UK Ltd. ("Petitioner") has been unable to effect service of the Petition for Cancellation filed in this case upon Affinitas Corporation ("Respondent"). See Trademark Rule 2.111(b), 37 C.F.R. § 2.111(b).

On July 7, 2014, Petitioner filed a Petition for Cancellation against Respondent's SMARTFOCUS mark shown in U.S. Registration No. 2089097. On the same date, counsel for Petitioner served a copy of the Petition for Cancellation via First Class Mail on Respondent's address of record according to the PTO's TSDR system:

Affinitas Corporation  
1015 North 98<sup>th</sup> Street  
Omaha, Nebraska 68114

In addition, a copy of the Petition for Cancellation was served upon the following correspondence address:

Denise C. Mazour  
McGarth North  
1601 Dodge St., Suite 3700  
Omaha, Nebraska 68102

On July 17, 2014, the envelope containing the Petition for Cancellation served on Respondent's address of record (1015 North 98<sup>th</sup> Street, Omaha, Nebraska 68102) was returned to counsel for Petitioner as undeliverable. The copy of the Petition for Cancellation served on Denise C. Mazour at the McCarth North law firm was not returned to us.

Counsel for Petitioner notes that the United States Postal Service provided a forwarding address below (different from Respondent's address of record). However, the U.S. Postal Service also indicated on the returned envelope that the forwarding order for the new address has expired.

Affinitas Corporation  
P.O. Box 728  
Boystown, Nebraska 68010-0728

A copy of this Notice and the original Petition for Cancellation have been served on Respondent at both the Omaha and Boystown, Nebraska addresses.

Respectfully submitted,

Dated: July 28, 2014

By: /Linda K. McLeod/  
David M. Kelly  
david.kelly@kelly-ip.com  
Linda K. McLeod  
linda.mcleod@kelly-ip.com  
Radiance W. Harris  
radiance.harris@kelly-ip.com  
Kelly IP, LLP  
1330 Connecticut Ave., N.W.,  
Suite 300  
Washington, D.C. 20036  
Telephone: 202-808-3570  
Facsimile: 202-354-5232

Attorneys for Petitioner

**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing NOTICE OF UNDELIVERABLE COMPLAINT and a copy of the original PETITION FOR CANCELLATION were served by first class mail, postage prepaid, on July 28, 2014, upon Respondent at the following correspondence addresses:

Affinitas Corporation  
1015 North 98<sup>th</sup> Street  
Omaha, Nebraska 68114

Affinitas Corporation  
P.O. Box 728  
Boystown, Nebraska 68010-0728

Denise C. Mazour  
McGarth North  
1601 Dodge Street, Suite 3700  
Omaha, Nebraska 68102

/Larry L. White/  
Larry L. White  
Litigation Case Manager